
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

UNITED STATES OF AMERICA,
Plaintiff,

v.

ANTHONY DELLIS SPENCER
Defendant.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:03-CR-616-DAK

Judge Dale A. Kimball

This matter is before the court on Defendant's Motion for Compassionate Release, 18 U.S.C. § 3582(c)(2) [ECF No. 180]. Defendant requests that the court release him from custody due to the new amendments to the United States Sentencing Guidelines, including a policy revision under §1B1.13, which allows for compassionate release in the event of an unusually long sentence. On August 16, 2004, this court sentenced Defendant to 360 months incarceration with the Bureau of Prisons ("BOP") [ECF No. 131]. On August 12, 2015, this court reduced Defendant's sentence to 324 months [ECF No. 176]. As of today, Defendant has served approximately 233 months of his sentence.

The First Step Act modified 18 U.S.C. § 3582(c)(1)(A) to allow a federal prisoner to file a motion with the court to reduce the defendant's term of imprisonment. The United States Sentencing Guidelines allow for such a motion to be granted if the court determines that the "defendant received an unusually long sentence and has served at least 10 years of imprisonment." U.S.S.G. 1B1.13(b)(6).

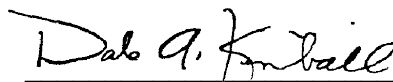
Here, Defendant has been incarcerated since August 16, 2004, for a total of 233 months, or 19 years and 5 months. Such a sentence would be rare to see if a similar case was presented to

the court today. In fact, statistics provided by the United States Sentencing Commission in 2022 indicate that such a sentence is comparable to the national median sentences for sexual abuse (180 months) and murder (240 months). Drug trafficking, on the other hand, was reported to have a national median sentence of 60 months, and a median sentence of 41 months in Utah.

This court determines, therefore, that Defendant is entitled to compassionate release due to receiving an unusually long sentence and having served at least 10 years of the term of imprisonment. Thus, the court GRANTS Defendant's Motion for Compassionate Release and reduces Defendant's sentence to credit for time served, effective March 11, 2024. This release date will give the BOP and the United States Probation Office sufficient time to organize Defendant's release. The court maintains Defendant's original 60-month term of supervised release.

Dated this 26th day of February 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", is written over a horizontal line.

DALE A. KIMBALL
United States District Judge

